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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,577	03/11/2004	Richard H. Wesselink	C018-1001B-1	6474
20995	7590	07/18/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			MATHEWS, ALAN A	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2851	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/799,577

Applicant(s)

WESSELINK ET AL.

Examiner

Alan A. Mathews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 13 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/23/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on May 23, 2003, has been entered.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on February 16, 2005, has been approved and has been recorded.

### ***Withdrawal of indicated allowability of claims***

3. Upon a careful review of the cited art, the newly assigned Examiner withdraws the indicated allowability of claims 1-12 and 14-19. The newly assigned Examiner to the instant application was the Examiner in the original parent patent application S.N. 09/502,028. The current claims in the instant application are the same claims that were originally filed in the

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parent patent application S.N. 09/502,028, and many of the following rejections are the same as or similar to the rejections applied in S.N. 09/502,028. The Examiner apologizes for any inconvenience to Applicant caused by the withdrawal of indicated allowability of the claims.

### ***Claim Objections***

4. Claim 13 is objected to because of the following informalities: There is no proper antecedent basis for “the support post”, since claim 1 recites a “support pole”. If Applicant changes the word “post” to “pole” in claim 13, this objection will be withdrawn. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1, 4, 5, 7-11, 14 and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Armstrong (U. S. Patent No. 5,986,576). Armstrong discloses in figures 1, 5, and 8, a platform for surveillance equipment 55, 62, and 63. The underside of signal head 11, as shown in figure 8, can be considered a platform (see column 6, lines 24-32). Column 9, lines 11-23 states that a video camera 55 can be positioned on all sides of the device to record all occurrences surrounding the device. In addition, column 8, lines 29-35 disclose LED's 62 and a sensor device 63 for monitoring an area in a vicinity of the system. Cables 39 and wires 38 are the means for connecting the surveillance equipment to the electronic equipment in base 30 (see column 7, lines 12-17 and lines 51-66). Base 30 with a hollow enclosure includes a power source 36. Column 7, lines 63-67, discloses providing more than one internal power source 36. Pole 24 is adjustable received in 34 (i.e. telescoping) and is substantially hollow, since pole 24 includes cable 39 (see figure 1 and column 7, lines 24 and 25). With respect to claim 14, column 5, lines 61-65 disclose a removable pole 24 which would be detachably mounted to base 30.

7. Claims 1, 4, 7, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Dainty (U. S. Patent No. 5,434,614). Dainty discloses in figures 1 and 2 a base including 26 which includes 30 (which is a weather-tight enclosure). Telescoping support pole 28 is mounted to be base 26. Element 66 could be considered to be a platform and the surveillance equipment includes cameras 40 and 42 (i.e. a plurality of cameras). The means for connecting the surveillance equipment to the electronics equipment includes cables 44. With respect to claim 14, the pole 28 would be detachably mounted to base 26 in some manner.

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8. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (U.S. Patent No. 4,474,439). Brown discloses in figures 1 and 9 a mounting plate 16 which is considered to be a platform for surveillance equipment 18 (camera). Electronics package 28 is the hollow support pole and cables 50 and 51 comprise the means for connecting the surveillance equipment to the electronics equipment.

9. Claims 1, 4-6, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitchell et al. (U. S. Patent No. 6,175,343). Mitchell et al. discloses in figure 1B a platform 120 for supporting an image head 110 (surveillance equipment). Figure 8 and column 11, line 1, discloses video camera 820 as part of the optical unit 350 of the image head 110. Element 130 is the support pole. Column 7, lines 47-62 disclose providing a power supply contained in a chamber below the platform base 400. Mitchell et al. discloses in figure 4B and column 7, lines 55 and 56, the use of conduits made of PVC for cables to be fed up through the pole 130.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 2, 3, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong as applied to claims 1 and 14 above, and further in view of Gartner et al. (U. S. Patent No. 5,898,381). Armstrong discloses substantially the invention claimed except for disclosing having the base comprise a concrete structure. Gartner et al. discloses making a base 63 out of concrete for the well-know purpose of providing stability and durability to the base of the pole (see figures 9 and 12 and column 6, lines 41-44). Since concrete is heavy, the base would weight at least about 2500 pounds. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the base in Armstrong with concrete structure in view of Gartner et al. for the purpose of providing stability and durability to the base.

12. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong as applied to claims 1, 4, 14, and 15 above, and further in view of Mitchell et al. (U. S. Patent No. 6,175,343). Armstrong discloses substantially the invention claimed except for disclosing the use of PVC conduit to accommodate communications cable. Mitchell et al. discloses in figure 4B and column 7, lines 55 and 56, the use of conduits made of PVC for cables to be fed up through the pole 130 for the well-known purpose of better insulation. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Armstrong with PVC conduits for wires or cables for the purpose of better insulation.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong as applied to claim 1 above, and further in view of Somner et al. (U. S. Patent No. 5,819,124). Armstrong discloses the invention except for disclosing a vent means. Somner et al. discloses in

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figure 2 the well-known concept of having a vent means 26 for enclosure 22 for the purpose of improving the stability of the electronic equipment. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to Armstrong with a vent means for the enclosure in view of Sumner et al. for the purpose of improved stability of the electronics equipment.

14. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong as applied to claims 14 and 15 above, and further in view of Ely (U. S. Patent No. 5,982,418). Armstrong discloses substantially the invention claimed except for specifically disclosing a multiplexer for the plurality of cameras. Ely discloses the use of video multiplexers in surveillance cameras in column 9, lines 25-27, for the well-known purpose of improved handling of information. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Armstrong with a multiplexer for the plurality of cameras in view of Ely for the well known purpose of improved handling of information.

***Allowable Subject Matter***

15. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 13 is objected to for the reasons set forth in paragraph # 4 above and is objected as being dependent upon a rejected base claim, but would be allowable upon



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correction of the objection and if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reasons for the indicated allowability of the claims are as follows:

The prior art does not disclose or suggest vent means adapted to draw ambient air through the upper portion of the support post and into the base enclosure in combination with all the other elements recited in the parent claims to dependent claim 13.

The prior art does not disclose or suggest a ground fault circuit breaker disposed within the base enclosure adapted to provide electrical power from a power source to the electronics equipment in combination with all the other elements recited in the parent claims to dependent claim 20. It is noted that the parent independent claim 14 to dependent claim 20 in the instant application recites the word “detachably”. Therefore, claim 20 of the instant application is not exactly like claim 1 of the parent U.S. Patent No. 6,375,370. And since Applicant’s terminal disclaimer has been approved, there is no double patenting issue with regard to claim 20.

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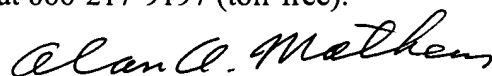
***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited in the PTO-1449 are cited for the same reasons they were cited in Applicant's IDS filed on May 23, 2005.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (571) 272-2123. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan A. Mathews  
Primary Examiner  
Art Unit 2851

AM